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SPECTRUM ENFORCEMENT BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554  
2004 JUL 29 P 2:01

RECEIVED - FCC  
JUL 28 2004  
Federal Communications Commission  
Bureau / Office

In Re: Matter of RECEIVED

Amendment of Section 73.202(b),  
Table of Allotments,  
FM Broadcast Stations.

MM Docket No. 04- \_\_\_\_  
RM- \_\_\_\_

(Dalhart and Perryton, TX)

RECEIVED

To: The Chief, Allocations Branch

AUG - 5 2004

Federal Communications Commission  
Office of the Secretary

**PETITION FOR RULEMAKING**

Radio Dalhart, pursuant to Section 1.401(a) of the Commission's rules, hereby respectfully requests that Section 73.202(b) of the Commission's rules (the FM Table of Allotments) be amended as follows:

<u>Community</u>	<u>Existing</u>	<u>Proposed</u>
Dalhart, TX	242C1, 261C	241C1, 261C
Perryton, TX	241C3	248C3

Concurrent with this relief, Radio Dalhart further requests that the license of station KXIT-FM, Dalhart, Texas (of which Radio Dalhart is the licensee) be modified to specify operation on Channel 241C1 in lieu of Channel 242C1 and that the license of station KEYE-FM, Perryton, Texas (licensed to Perryton Radio, Inc.) be modified to specify operation on Channel 248C3 in lieu of Channel 241C3.

In support whereof, the following is respectfully shown:

1. Submitted herewith is an engineering statement from Beem Co., Radio Dalhart's engineering consultant, demonstrating that the relief requested herein will meet all applicable FCC requirements with respect to city coverage and channel spacing. Specifically, the changes proposed herein will enable KEYE-FM to continue operation from its currently-licensed site. While having

no adverse impact upon KEYE-FM, these changes will enable KXIT-FM to substantially increase its service. No change is proposed in the stations' respective communities of license. Both stations will continue to provide required coverage to its respective community of license.

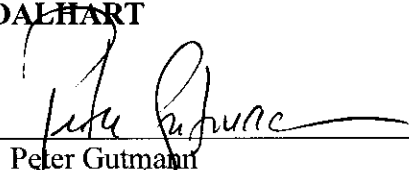
2. Beem Co. further demonstrates that the reallocations proposed herein would result in a preferential arrangement of allotments and will serve the public interest. While there will be no change in the service to be rendered by KEYE-FM, the KXIT-FM move will result in a net gain of 55% population within its 60 dBu contour from 33,284 to 51,645 persons. The proposed 60 dBu service contour will completely contain the station's existing contour, and so there will be no loss area to offset the substantial gains to be realized. Since the allotments proposed herein will result in substantially greater service for KXIT-FM while resulting in no loss of service and while having no adverse impact upon the service rendered by KEYE-FM, we respectfully submit that the allotments should be implemented.

3. Radio Dalhart states herewith its present intention to promptly apply for and construct facilities on the channel it has requested herein, if allotted. Radio Dalhart further states its agreement to pay all of PRI's reasonable costs involved with the KEYE-FM frequency change.

Respectfully submitted,

**RADIO DALHART**

By: \_\_\_\_\_

  
Peter Gutmann  
Its Attorney

**Womble Carlyle Sandridge & Rice, PLLC**

1401 I Street, NW  
Seventh Floor  
Washington, DC 20005  
(202) 857-4532

July 28, 2004

**ENGINEERING EXHIBITS**  
**FOR**  
**PETITION FOR RULE MAKING**  
**TO CHANGE CHANNELS OF**  
**KEYE-FM, PERRYTON, TX FROM 241C3 TO 248C3**  
**AND**  
**KXIT-FM, DALHART, TX FROM 242C1 TO 241C1**

**JULY 2004**

**BY:**  
**BEEM CO.**  
**ARCADIA, CA**  
**(626) 446-3468**

### **ENGINEERING STATEMENT OF JOEL T. SAXBERG**

This engineering report was prepared for Radio Dalhart, licensee of KXIT-FM, Dalhart, TX, by Broadcast Engineering and Equipment Maintenance Company, "BEEM CO." KXIT-FM operates on Channel 242 as a class C1 facility. Radio Dalhart proposes to change the frequency of KXIT-FM from Channel 242C1 to Channel 241C1 and to change frequency of KEYE-FM from 241C3 to 248C3. The proposed changes in allocations would enable KXIT-FM to relocate its transmitter site towards the south, thus increasing the population within its 60- dBu contour by approximately 20,000 persons. The present population count within the KXIT-FM Class C1 60 dBu contour is 33,284. At the allocation coordinates specified below, the population count from a maximum class "C1" facility will be 51,645 which is an increase of 18,361 persons or a percentage increase of 55%. KXIT-FM will maintain its present city of license, Dalhart, TX. There are no changes proposed for KEYE-FM other than the change in frequency. Radio Dalhart agrees to pay all costs involved with the KEYE-FM frequency change.

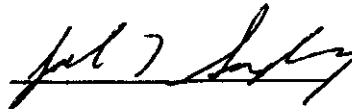
The proposed allocation changes fully meet the spacing requirements of §73.207. Allocation studies for each proposal are attached. The existing 60 dBu contour of KXIT-FM is entirely encompassed by the proposed 60 dBu contour and therefore there will be no loss service area. The proposed allocation coordinates for KXIT-FM CH241C1 are: 35-48-23N, 102-17-16W.

## ENGINEERING CERTIFICATION

JOEL T. SAXBERG deposes and says:

1. That he is President of Broadcast Engineering and Equipment Maintenance Company, "BEEM CO.", radio engineering consultants. BEEM CO. maintains offices at: 2322 S. Second Avenue, Arcadia, CA 91006. Telephone (626) 446-3468
2. That he was graduated from California State University at Los Angeles, February 1966, with a Bachelor of Science degree in Electronic Engineering. He received a MS degree in Electronic Engineering Technology in August 1996.
3. That he has submitted many applications to the Federal Communications Commission for broadcast and auxiliary broadcast construction permits and licenses.
4. That his experience in broadcast engineering is a matter of record and he has spent over thirty years working in the field of radio engineering.
5. That the attached report was prepared by him or under his direction and supervision. That he believes the facts stated therein to be both true and accurate. Statements that are based on information supplied by others are also believed to be true and accurate.
6. That he has performed field work on AM and FM broadcast transmitting systems throughout this country and continues to provide technical consulting services on a daily basis to broadcasters.
7. That he declares under penalty of perjury the foregoing is true and correct.

Executed on 7/26/2004



Joel T. Saxberg

07-26-2004

BREM Company

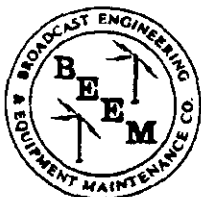
PAGE 1

FM Study for: KXITFM FCC Database Date: 7/23/2004 35-48-23  
 Location: DALHART, TX Channel Class: C1 102-17-16  
 [\*] by HAAT indicates calculated as missing in database.  
 Call City, State Chan Class Freq kW Latitude Dist. Required  
 Status Proponent File Number HAAT Longitude Azm. Clear (km)

>>>>>>> Study For Channel 241 96.1 MHz <<<<<<<<

KXITFM	DALHART, TX	242 C1	96.3	100.	35-53-46	13.2	177	
CP	Fac. No. 15018	BMPH-20030611AAK	144		102-23-03	318.9	-163.8	SHORT
		Use of 73.215 for short spacing					requires: 158	-144.8 SHORT
ALLOC	DALHART, TX	242 C1	96.3		35-53-46	13.2	177	
RSV	Fac. No. 15018			0	102-23-03	318.9	-163.8	SHORT
		Use of 73.215 for short spacing					requires: 158	-144.8 SHORT
KXITFM	DALHART, TX	240 A	95.9	6.00	36-05-45	37.9	133	
LIC	Fac. No. 15018	BMLH-20010424AAK	52		102-30-38	328.0	-95.1	SHORT
		Use of 73.215 for short spacing					requires: 111	-73.1 SHORT
KEYEFM	PERRYTON, TX	241 C3	96.1	8.50	36-21-54	149.3	211	
LIC	Fac. No. 52329	BLH-19990927ABT	122		100-46-48	65.0	-61.7	SHORT
		Use of 73.215 for short spacing					requires: 200	-50.7 SHORT
KARX	CLAUDE, TX	239 C1	95.7	100.	35-06-16	96.6	82	
LIC	Fac. No. 33448	BLH-19920422KB	119		101-39-28	143.5	+14.6	CLOSE
KCTXFM	CHILDRESS, TX	241 C2	96.1	50.0	34-26-20	242.0	224	
LIC	Fac. No. 18567	BLH-19890620KA	145		100-13-10	128.2	+18.0	CLEAR

KEYE-FM TO CHANNEL 248C3



(818) 446-3468

KXIT-FM ALLOCATION  
 STUDY  
 CH241C1  
 DALHART, TX

07-20-2004

BREM Company

PAGE 1

FM Study for: KEYEPM

FCC Database Date: 7/16/2004

36-21-54

Location: PERRYTON, TX

Channel Class: C3

100-46-48

[\*] by HAAT indicates calculated as missing in database.

Call City, State

Chan Class Freq kW Latitude Dist. Required

Status Proponent

File Number HAAT Longitude Azm. Clear (km)

&gt;&gt;&gt;&gt;&gt;&gt; Study For Channel 248 97.5 MHz &lt;&lt;&lt;&lt;&lt;&lt;&lt;

ALLOCR CLAYTON, NM

248 C1 97.5

36-27-00

215.6 211

ADD

RM-10861

0

103-10-54

273.2

+4.6

CLOSE

KKJQ GARDEN CITY, KS

247 C1 97.3 100.

37-46-48

159.6 144

LIC Fac. No. 33690

BLH-19840810DA 244

100-27-36

10.2

+15.6

CLEAR

ALLOCR WELLINGTON, TX

248 A 97.5

34-56-51

162.7 142

VAC

RM-10485

0

100-19-10

165.0

+20.7

CLEAR

KPAK ALVA, OK

248 C2 97.5 50.0

37-01-27

200.6 177

CP Fac. No. 85771

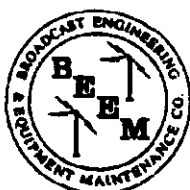
BMPH-20020916AAB 150

98-41-22

68.0

+23.6

CLEAR



(818) 446-3468

KEYE-FM ALLOCATION  
STUDY  
CH 248C3  
PERRYTON, TX

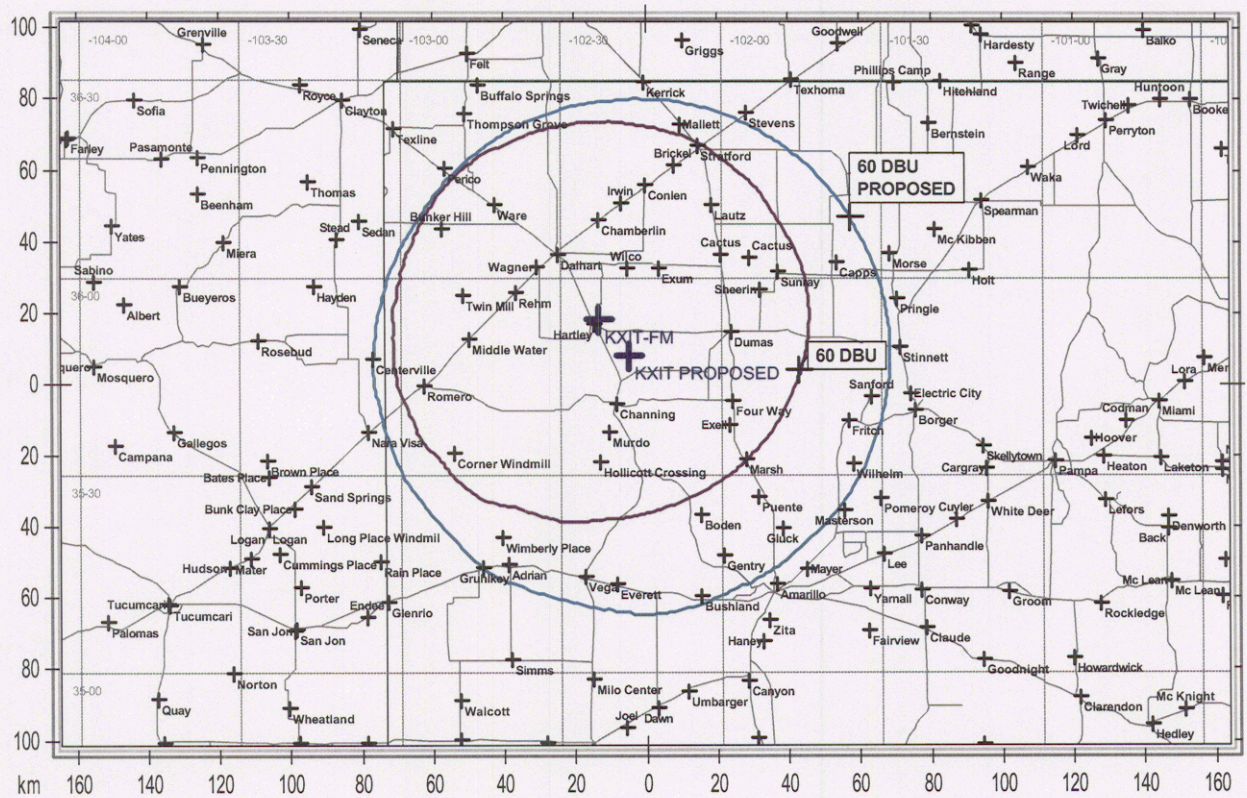


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 State Borders
  City Borders
  Highways
  Lat/Lon Grid



RADIO DALHART - LICENSEE



MAP SCALE: 1:2,000,000

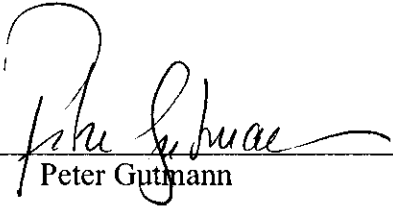
State Borders      Highways      Lat/Lon Grid



**CERTIFICATE OF SERVICE**

I, Peter Gutmann, an attorney in the law firm of Womble Carlyle Sandridge & Rice, PLLC, do hereby certify that I have on this 28<sup>th</sup> day of July, 2004, caused copies of the foregoing Petition for Rulemaking to be mailed to the following by first-class United States mail, postage prepaid:

Perryton Radio, Inc.  
7430 Colshire #4  
McLean, VA 22102

  
Peter Gutmann